

EXHIBIT 11

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 Case No. 09-CIV-9832 (BSJ) (RLE)
5 Case No. 09-CIV-9323 (BSJ) (RLE)

6 -----x
7 AUSTIN FENNER and IKIMULISA LIVINGSTON,

8 Plaintiffs,

9 v.

10 NEWS CORPORATION, NYP HOLDINGS, INC.,
11 d/b/a THE NEW YORK POST and DAN GREENFIELD
12 and MICHELLE GOTTHELF,

Defendants.

13 -----x
14 SANDRA GUZMAN,

Plaintiff,

15 v.

16 NEWS CORPORATION, NYP HOLDINGS, INC.,
17 d/b/a THE NEW YORK POST and COL ALLAN, in
18 his official and individual capacities,

19 Defendants.

20 -----x
21 CONFIDENTIAL

22 VIDEOTAPED DEPOSITION OF AMY SCIALDONE

23 New York, New York

24 Thursday, June 28, 2012

Reported by:

Amy A. Rivera, CSR, RPR, CLR

25 JOB NO. 51053

<p style="text-align: right;">Page 62</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. I don't know who it's operated by.</p> <p>3 Q. Is it operated by an entity associated</p> <p>4 with News Corporation?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 A. I don't know who it's operated by.</p> <p>7 Q. You don't know whether it's operated</p> <p>8 by any entity associated with News Corporation?</p> <p>9 MR. PIESCO: Objection.</p> <p>10 A. I don't know who it's operated by.</p> <p>11 Q. That's not the question. I mean, I</p> <p>12 assume what you're saying is you don't know</p> <p>13 specifically.</p> <p>14 A. I don't know.</p> <p>15 Q. So, you don't know if it is operated</p> <p>16 by a company associated with News Corporation?</p> <p>17 MR. PIESCO: Objection.</p> <p>18 How many times do you want her to</p> <p>19 answer?</p> <p>20 MR. CLARK: That's a yes-or-no</p> <p>21 question. She answered it --</p> <p>22 MR. PIESCO: She did. She said, I</p> <p>23 don't know three times. I'm looking at it.</p> <p>24 I don't know, I don't know, I don't know.</p> <p>25</p>	<p style="text-align: right;">Page 63</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 BY MR. CLARK:</p> <p>3 Q. So, your answer is no, you don't know</p> <p>4 whether it's associated with News Corporation?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 Either you know or you don't know.</p> <p>7 A. I don't know.</p> <p>8 Q. It's a yes or a no, either you know or</p> <p>9 you don't?</p> <p>10 A. I don't know.</p> <p>11 MR. PIESCO: Would you mind if we take</p> <p>12 a break?</p> <p>13 MR. CLARK: No, that's fine.</p> <p>14 How long do you need?</p> <p>15 MR. PIESCO: Two minutes? Five</p> <p>16 minutes? I just need to use the restroom.</p> <p>17 VIDEOGRAPHER: The time is 11:10 a.m.</p> <p>18 We're off the record.</p> <p>19 (Recess.)</p> <p>20 VIDEOGRAPHER: The time is 11:17 a.m.</p> <p>21 We're on the record.</p> <p>22 BY MR. CLARK:</p> <p>23 Q. Ms. Scialdone, when --</p> <p>24 A. Yeah.</p> <p>25 Q. -- we took our break, we were</p>
<p style="text-align: right;">Page 64</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 discussing ways employees could complain about</p> <p>3 harassment in the workplace, and I want to make</p> <p>4 sure we've covered all of those.</p> <p>5 I think you mentioned a couple. You</p> <p>6 mentioned calling alert line, speaking to legal</p> <p>7 counsel. Are there any other ways consistent with</p> <p>8 the New York Post policy that employees could</p> <p>9 complain about harassment in the workplace?</p> <p>10 MR. PIESCO: Objection.</p> <p>11 She -- she also testified coming to</p> <p>12 HR.</p> <p>13 THE WITNESS: Yeah, I was going to</p> <p>14 clarify that.</p> <p>15 MR. PIESCO: That's okay.</p> <p>16 Go ahead.</p> <p>17 Q. Okay, good. So -- so, coming to -- to</p> <p>18 human resources department would be another way?</p> <p>19 A. Yes, and their manager directly, or a</p> <p>20 supervisor.</p> <p>21 Q. Or their -- have -- it would have to</p> <p>22 be their direct supervisor or would coming to any</p> <p>23 supervisor be appropriate?</p> <p>24 A. They could go to any supervisor --</p> <p>25 supervisor.</p>	<p style="text-align: right;">Page 65</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Okay. Are that any other ways that an</p> <p>3 employee -- that -- strike that.</p> <p>4 Are there any other ways available</p> <p>5 under the New York Post policies for an employee</p> <p>6 to make a complaint about harassment in the</p> <p>7 workplace?</p> <p>8 MR. PIESCO: Objection.</p> <p>9 You can answer.</p> <p>10 A. Those are the ones we discussed.</p> <p>11 Q. There's no others -- no others you can</p> <p>12 think of today?</p> <p>13 MR. PIESCO: Objection. Asked and</p> <p>14 answered.</p> <p>15 A. No.</p> <p>16 Q. Now, would that same -- those same</p> <p>17 paths apply to complaints of retaliation in the</p> <p>18 workplace?</p> <p>19 MR. PIESCO: Objection.</p> <p>20 You can answer.</p> <p>21 A. Yes.</p> <p>22 Q. So, in 2009, was Jennifer Jehn one of</p> <p>23 the people that it would be appropriate to</p> <p>24 complain to about discrimination in the workplace?</p> <p>25 MR. PIESCO: Objection.</p>

<p style="text-align: right;">Page 66</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 You can answer.</p> <p>3 A. If an employee had any complaint, they</p> <p>4 could go to Jennifer Jehn, yes.</p> <p>5 Q. And would -- would you have been</p> <p>6 another person that an employee could complain to</p> <p>7 about discrimination in the workplace?</p> <p>8 MR. PIESCO: Objection.</p> <p>9 You can answer.</p> <p>10 A. Yes.</p> <p>11 MR. CLARK: I'd like to mark this as</p> <p>12 Exhibit 1 -- Scialdone 1.</p> <p>13 (Exhibit Scialdone 1, a newspaper</p> <p>14 cartoon printout dated February 18, 2009,</p> <p>15 was marked for identification at this time.)</p> <p>16 BY MR. CLARK:</p> <p>17 Q. Ms. Scialdone, we've just marked as</p> <p>18 Exhibit 1 a page that has a cartoon on it, and the</p> <p>19 page is dated February 18, 2009.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Have you ever seen this cartoon</p> <p>23 before?</p> <p>24 A. Yes.</p> <p>25 Q. Is this a cartoon that ran in the New</p>	<p style="text-align: right;">Page 67</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 York Post in February 2009?</p> <p>3 A. That's what the date states, yes.</p> <p>4 Q. Do you have any reason to think that</p> <p>5 date's not correct?</p> <p>6 A. I can't hear you with the trucks. I'm</p> <p>7 sorry --</p> <p>8 Q. I'm sorry --</p> <p>9 A. -- can you repeat that?</p> <p>10 Q. -- do you have any reason to think</p> <p>11 that date is incorrect?</p> <p>12 A. No.</p> <p>13 Q. When was the first time you saw this</p> <p>14 cartoon?</p> <p>15 A. I don't recall.</p> <p>16 Q. Did you see it before it was published</p> <p>17 in the paper?</p> <p>18 A. No.</p> <p>19 Q. Do you recall if you saw it the day it</p> <p>20 was published?</p> <p>21 A. I don't recall.</p> <p>22 Q. What was your reaction the first time</p> <p>23 you saw the cartoon?</p> <p>24 MR. PIESCO: Objection.</p> <p>25 A. I don't recall. I was on vacation. I</p>
<p style="text-align: right;">Page 68</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 can't -- I don't recall the first time I saw it or</p> <p>3 what my reaction was.</p> <p>4 Q. Okay. So, you were on vacation on</p> <p>5 February 18, 2009?</p> <p>6 A. Yes.</p> <p>7 Q. When did you come back from vacation?</p> <p>8 A. The following week.</p> <p>9 Q. And did you learn about the cartoon</p> <p>10 before you returned from vacation?</p> <p>11 A. Yes.</p> <p>12 Q. How did you learn about the cartoon</p> <p>13 being published?</p> <p>14 A. On the radio.</p> <p>15 Q. Do you recall when that was?</p> <p>16 A. It may have been that afternoon that</p> <p>17 it ran.</p> <p>18 Q. And what did you hear on the radio</p> <p>19 that -- that first time when you learned about the</p> <p>20 cartoon?</p> <p>21 A. I don't recall exactly, but that there</p> <p>22 was concern about it.</p> <p>23 Q. What kind of concern?</p> <p>24 A. I don't recall exactly.</p> <p>25 Q. As you sit here today, do you find</p>	<p style="text-align: right;">Page 69</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 this cartoon to be personally offensive to you?</p> <p>3 MR. PIESCO: Objection.</p> <p>4 You can answer.</p> <p>5 A. No.</p> <p>6 Q. You don't believe this cartoon is</p> <p>7 offensive --</p> <p>8 MR. PIESCO: Objection.</p> <p>9 Q. -- in your opinion?</p> <p>10 MR. PIESCO: Asked and answered.</p> <p>11 A. No.</p> <p>12 Q. Are you aware of the history of</p> <p>13 African Americans being depicted as chimpanzees</p> <p>14 and apes?</p> <p>15 MR. PIESCO: Objection.</p> <p>16 A. No.</p> <p>17 Q. No, you're not aware of that?</p> <p>18 A. No.</p> <p>19 Q. As you sit here today, you do not know</p> <p>20 that African Americans have been depicted as</p> <p>21 chimpanzees?</p> <p>22 MR. PIESCO: Objection. Asked and</p> <p>23 answered.</p> <p>24 A. No.</p> <p>25 Q. Prior to returning from vacation, did</p>

<p style="text-align: right;">Page 150</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Can we mark this "confidential,"</p> <p>3 please?</p> <p>4 MR. CLARK: That's fine.</p> <p>5 MR. PIESCO: All right.</p> <p>6 And, also, I just want to remind</p> <p>7 counsel that I believe there was a ruling on</p> <p>8 how far we can go in terms of other</p> <p>9 complaints. So, I just -- obviously, I'm</p> <p>10 giving you leeway here, but if we start</p> <p>11 getting into the specifics of this, I think</p> <p>12 we're going to have to step outside, you and</p> <p>13 I --</p> <p>14 MR. CLARK: Okay.</p> <p>15 MR. PIESCO: -- and chat.</p> <p>16 MR. CLARK: Okay.</p> <p>17 MR. PIESCO: Thanks. It's marked.</p> <p>18 Go back to --</p> <p>19 MR. LIPPNER: Who is Bill?</p> <p>20 MR. PIESCO: -- who is Bill Hoffman,</p> <p>21 from that pen on, please mark the record.</p> <p>22 Thank you.</p> <p>23 Sorry. Thanks, Paul.</p> <p>24 BY MR. CLARK:</p> <p>25 Q. Okay. So, why was Bill Hoffman fired?</p>	<p style="text-align: right;">Page 151</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. For violating our electronics</p> <p>3 communication policy.</p> <p>4 Q. You say, "our electronics</p> <p>5 communication policy"?</p> <p>6 A. The New York Post's electronics</p> <p>7 communication policy.</p> <p>8 Q. And what's the title of that policy,</p> <p>9 is that it, "the New York Post electronic</p> <p>10 communication policy"?</p> <p>11 A. I believe so. I'd have to look at the</p> <p>12 top line.</p> <p>13 Q. Could it be "News Corporation's</p> <p>14 electronic communications policy"?</p> <p>15 MR. PIESCO: Objection.</p> <p>16 A. I don't know.</p> <p>17 Q. And what's -- how specifically did</p> <p>18 Bill Hoffman violate this New York Post electronic</p> <p>19 communications policy?</p> <p>20 THE WITNESS: Is that privileged?</p> <p>21 MR. PIESCO: Answer this question.</p> <p>22 THE WITNESS: Okay.</p> <p>23 A. He was viewing sexual pornography in</p> <p>24 the workplace.</p> <p>25 Q. When did this occur?</p>
<p style="text-align: right;">Page 152</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. A couple of years ago.</p> <p>3 Q. And was this reported to HR?</p> <p>4 A. Yes.</p> <p>5 Q. Who reported it?</p> <p>6 A. Paula Froehlich.</p> <p>7 Q. Are you aware of any other complaints</p> <p>8 of New York Post employees being -- strike that.</p> <p>9 Are you aware of any other instances</p> <p>10 of New York Post employees being disciplined for</p> <p>11 viewing pornography in the workplace?</p> <p>12 MR. PIESCO: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. How many people would you say?</p> <p>15 MR. PIESCO: Objection.</p> <p>16 THE WITNESS: Is this privileged?</p> <p>17 MR. LIPPNER: Yes. Hang on a second.</p> <p>18 Yeah, I prefer that --</p> <p>19 MR. PIESCO: Can we go off the record</p> <p>20 for two minutes, please? I want to talk to</p> <p>21 my --</p> <p>22 MR. CLARK: We can go off the record.</p> <p>23 VIDEOGRAPHER: The time is 12:48 p.m.</p> <p>24 We're going off the record.</p> <p>25 (Recess.)</p>	<p style="text-align: right;">Page 153</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 (Exhibit Scialdone 3, a memo dated</p> <p>3 June 2003 bearing Bates numbers NYP-FL 1153</p> <p>4 through 1160, was marked for identification</p> <p>5 at this time.)</p> <p>6 VIDEOGRAPHER: The time is 12:55 p.m.</p> <p>7 We're on the record.</p> <p>8 MR. PIESCO: All right. So, Paul,</p> <p>9 we've been gone like 15 minutes or so.</p> <p>10 MR. CLARK: Yes.</p> <p>11 MR. PIESCO: For the record, there was</p> <p>12 a discussion amongst counsel outside</p> <p>13 regarding the nature and scope of the</p> <p>14 questioning on other complaints.</p> <p>15 My understanding, Paul, is that</p> <p>16 we're -- plaintiff is going to be compliant</p> <p>17 with the court's order in that regard, and</p> <p>18 we're fine with that, but we're going to</p> <p>19 take this question by question, if that's</p> <p>20 okay.</p> <p>21 MR. CLARK: Understood.</p> <p>22 MR. PIESCO: Okay. Thanks.</p> <p>23 MR. CLARK: So, I think there's a</p> <p>24 question pending.</p> <p>25 MR. PIESCO: I don't think so.</p>

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1 AMY SCIALDONE - CONFIDENTIAL

2 BY MR. CLARK:

3 Q. Did you --

4 MR. PIESCO: Sure.

5 Q. Did you ever make a search --

6 MR. PIESCO: Listen to his question.

7 Q. Did you ever make a search to ensure
8 that any notes you took with respect to the
9 termination of Ms. Guzman were produced to your
10 counsel?

11 A. Yes.

12 Q. When did you do that?

13 A. I don't recall when I was asked, and I
14 produced whatever I had.

15 Q. And are you confident that anything
16 you had was turned over to your counsel?

17 A. Yes.

18 Q. Did you ever speak to anyone at all
19 other than the people we've already discussed
20 about Ms. Guzman in September 2009 with respect to
21 her termination?

22 MR. PIESCO: Objection. Asked and
23 answered.

24 Go ahead.

25 MR. CLARK: No, I asked her about --

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1 AMY SCIALDONE - CONFIDENTIAL

2 BY MR. CLARK:

3 Q. I asked you about New York Post
4 employees. Now I want to know anyone at all.

5 MR. PIESCO: Including her husband?

6 MR. CLARK: Well, I don't care about
7 the marital communication. That's
8 privileged.

9 MR. PIESCO: Okay --

10 Q. But --

11 MR. PIESCO: -- I just want to make
12 sure.

13 Q. -- did you speak to --

14 A. And you don't care about my legal
15 counsel --

16 Q. No, I'm not --

17 A. -- so --

18 MR. PIESCO: Stop, stop, stop.

19 Q. I'm not asking -- I'm just asking --

20 A. -- not --

21 Q. -- did you speak in 2000 -- just in
22 2000 -- September 2009, did you have any
23 conversations about Ms. Guzman's termination with
24 anyone at all that we have not yet discussed?

25 A. Linda Bobajko.

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1 AMY SCIALDONE - CONFIDENTIAL

2 Q. Okay. Anyone other than Linda?

3 A. No.

4 Q. And when did you discuss Ms. Guzman's
5 termination with Linda?

6 A. When I would have needed to request
7 information on any vacation due while I was
8 creating a separation agreement.

9 Q. Did you discuss with Ms. Babajko the
10 reasons for Sandra Guzman being terminated?

11 A. No.

12 Q. Was there anything else you discussed
13 with Ms. Babajko about Ms. Guzman's termination?

14 A. No, just the benefits information I
15 needed.

16 Q. And, again, just to make sure it's
17 absolutely clear: Other than Ms. Babajko and the
18 other the people we've talked about, was there
19 anyone else you discussed Ms. Guzman's
20 determination with in September 2009?

21 A. No.

22 Q. Do you know who Margie Conklin is?

23 A. Yes.

24 Q. Who is Margie Conklin?

25 A. Currently?

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1 AMY SCIALDONE - CONFIDENTIAL

2 Q. Well, in 2009, who was Margie Conklin?

3 A. In 2009.

4 At the beginning of 2009, she was
5 solely the editor in chief of Page 6 Magazine.
6 Then we had to close that business, and she
7 transitioned over to the deputy Sunday editor.

8 Q. Do you know who --

9 A. And --

10 Q. -- I'm sorry. Go ahead.

11 A. I'm sorry, I'm trying to be
12 accurate -- and still continued as the editor in
13 chief of Page 6 Magazine.

14 Q. Do you know who made the decision to
15 transition Ms. Conklin to this other position you
16 talked about?

17 MR. PIESCO: Objection to that, Paul.
18 But go ahead.

19 A. Can you restate the question?

20 Q. Do you know who made the decision for
21 Ms. Babajko to --

22 MR. PIESCO: Wrong name.

23 A. Wrong name.

24 Q. Sorry, I'm sorry. Ms. Conklin --

25 A. Yeah.

<p style="text-align: right;">Page 286</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. At the time.</p> <p>3 A. At the time, it was 1211 Avenue of the</p> <p>4 Americas on the 15th floor.</p> <p>5 Q. How did -- well, who decided how</p> <p>6 Ms. Guzman was going to be told?</p> <p>7 In other words, did you -- did you</p> <p>8 meet with Joe Rabinowitz and talk about it, or</p> <p>9 how -- how was that decision made?</p> <p>10 MR. PIESCO: Objection.</p> <p>11 A. We spoke prior -- a few minutes prior,</p> <p>12 and he was going to explain it to her, what was</p> <p>13 happening, and I was going to take her through the</p> <p>14 separation agreement.</p> <p>15 Q. Do you remember anything else about</p> <p>16 that conversation with Mr. Rabinowitz before the</p> <p>17 meeting?</p> <p>18 A. No.</p> <p>19 Q. Did he say anything else at all?</p> <p>20 A. I don't recall.</p> <p>21 Q. How did the meeting with Ms. Guzman</p> <p>22 start?</p> <p>23 MR. PIESCO: Objection.</p> <p>24 Q. In other words, she comes -- she comes</p> <p>25 into your office, correct?</p>	<p style="text-align: right;">Page 287</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. Yes.</p> <p>3 Q. And then what happened after that?</p> <p>4 A. Joe explained why we were there.</p> <p>5 Q. Do you remember what Mr. Rabinowitz</p> <p>6 said?</p> <p>7 A. To the best --</p> <p>8 MR. PIESCO: Word for word, in</p> <p>9 substance, I mean --</p> <p>10 Q. In substance, or, you know, as best</p> <p>11 you can?</p> <p>12 A. To the best I can recall, he let her</p> <p>13 know that the decision had been made to close</p> <p>14 Tempo, and with that, her position was eliminated,</p> <p>15 and it was all for cost reasons.</p> <p>16 Q. Did Mr. Rabinowitz --</p> <p>17 MR. PIESCO: Are you done?</p> <p>18 I'm sorry, she looked like she was</p> <p>19 still --</p> <p>20 THE WITNESS: I was thinking.</p> <p>21 MR. CLARK: Okay. Go ahead.</p> <p>22 MR. PIESCO: Take your time. There's</p> <p>23 no rush.</p> <p>24 A. That's what I recall him starting out</p> <p>25 saying.</p>
<p style="text-align: right;">Page 288</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Okay. Do you recall if Mr. Rabinowitz</p> <p>3 ever told Ms. Guzman that her termination had</p> <p>4 nothing to do with her performance?</p> <p>5 A. I don't recall if he said it had</p> <p>6 nothing to do with her performance or that he</p> <p>7 was -- you know, he respected her as an editor,</p> <p>8 and it was about the -- it was about the</p> <p>9 publication and not making money. It -- he talked</p> <p>10 about that at length.</p> <p>11 Q. How long did Mr. Rabinowitz speak to</p> <p>12 Ms. Guzman?</p> <p>13 A. For a few minutes.</p> <p>14 Q. And in this few minutes was it just</p> <p>15 Mr. Rabinowitz speaking or did you say anything?</p> <p>16 A. When he was explaining why we were</p> <p>17 there?</p> <p>18 Q. Right.</p> <p>19 A. He did that.</p> <p>20 Q. Okay.</p> <p>21 A. I spoke after to explain the package.</p> <p>22 Q. What was Ms. Guzman's reaction when</p> <p>23 she was told that she was being terminated?</p> <p>24 A. I believe she questioned it, but knew</p> <p>25 about the financials. She -- you know, Joe had</p>	<p style="text-align: right;">Page 289</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 mentioned the financials again, and she knew,</p> <p>3 because it's been something that's been going on</p> <p>4 for years with the section, trying to keep it</p> <p>5 going.</p> <p>6 Q. When you say, "she questioned it," do</p> <p>7 you remember more specifically what she said?</p> <p>8 A. I don't. I just remember Joe talking</p> <p>9 more about the financials that she had been aware</p> <p>10 of.</p> <p>11 Q. What was Ms. Guzman's demeanor?</p> <p>12 MR. PIESCO: Objection.</p> <p>13 A. I don't recall specifically.</p> <p>14 Q. Was she upset?</p> <p>15 MR. PIESCO: Objection.</p> <p>16 A. She wasn't upset crying. Was she</p> <p>17 upset she was leaving The Post? I don't -- I</p> <p>18 don't know.</p> <p>19 Was she surprised that it happened</p> <p>20 that day? Perhaps.</p> <p>21 Q. Do you remember anything else</p> <p>22 Ms. Guzman said in that meeting?</p> <p>23 A. She had asked about her other section</p> <p>24 that she had been working on, but Joe had</p> <p>25 mentioned that similar to what happened with</p>

<p style="text-align: right;">Page 374</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. I don't recall a number. But she</p> <p>3 gives that feedback when necessary.</p> <p>4 Q. Do you recall any other editors other</p> <p>5 than Ms. Gotthelf that you discussed</p> <p>6 Ms. Livingston's performance with at any time?</p> <p>7 MR. PIESCO: Objection.</p> <p>8 You can answer.</p> <p>9 A. From this warning?</p> <p>10 Q. No, at any time?</p> <p>11 A. From this warning, I was questioning.</p> <p>12 MR. PIESCO: Can we try that again?</p> <p>13 THE WITNESS: Yeah.</p> <p>14 Q. I just want to know if you have</p> <p>15 discussed Ms. Livingston's performance with any</p> <p>16 other editors at the New York Post other than</p> <p>17 Ms. Gotthelf?</p> <p>18 MR. PIESCO: Objection.</p> <p>19 She also previously testified that</p> <p>20 Dan -- whatever his name is?</p> <p>21 THE WITNESS: Greenfield.</p> <p>22 MR. PIESCO: Greenfield.</p> <p>23 So, other than those two.</p> <p>24 Q. Okay. Other than Mr. Greenfield and</p> <p>25 Ms. Gotthelf, have you discussed Ms. Livingston's</p>	<p style="text-align: right;">Page 375</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 performance with any other editors at The Post?</p> <p>3 A. No.</p> <p>4 Q. And other than what is listed on this</p> <p>5 written warning, do you recall any other</p> <p>6 criticisms that Dan Greenfield or Michelle</p> <p>7 Gotthelf had of Ms. Livingston?</p> <p>8 A. At this time?</p> <p>9 Q. At any time.</p> <p>10 A. I don't recall.</p> <p>11 MR. CLARK: That's all the questions I</p> <p>12 have.</p> <p>13 Thank you, ma'am.</p> <p>14 MR. PIESCO: Give me two minutes,</p> <p>15 please?</p> <p>16 MR. CLARK: Sure.</p> <p>17 MR. PIESCO: Thank you.</p> <p>18 VIDEOGRAPHER: The time is 6:27.</p> <p>19 We're off the record.</p> <p>20 (Recess.)</p> <p>21 VIDEOGRAPHER: The time is 6:38 p.m.</p> <p>22 We're on the record.</p> <p>23 EXAMINATION</p> <p>24 BY MR. PIESCO:</p> <p>25 Q. Ms. Scialdone, I know it's been a long</p>
<p style="text-align: right;">Page 376</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 day. I have one question for you: After</p> <p>3 Ms. Guzman's employment was terminated, did Tempo</p> <p>4 ever run again?</p> <p>5 A. No.</p> <p>6 MR. PIESCO: That's all I have.</p> <p>7 MR. CLARK: Just a quick follow up.</p> <p>8 EXAMINATION (CONTINUED)</p> <p>9 BY MR. CLARK:</p> <p>10 Q. Is -- are you changing your testimony</p> <p>11 from earlier today, ma'am?</p> <p>12 A. Can you read back my testimony?</p> <p>13 Q. Well, I mean, we can't go back at this</p> <p>14 point.</p> <p>15 I thought you had said that Tempo had</p> <p>16 transitioned to three editions a year but had not</p> <p>17 been canceled at the time Ms. Guzman was</p> <p>18 terminated.</p> <p>19 MR. PIESCO: Objection. I think that</p> <p>20 mischaracterizes her testimony.</p> <p>21 But you can answer.</p> <p>22 A. I may have misunderstood your</p> <p>23 question. I thought you were saying something</p> <p>24 that was related specifically -- specifically to</p> <p>25 accuracy of information in the minutes.</p>	<p style="text-align: right;">Page 377</p> <p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Well, let me just ask --</p> <p>3 A. So, that was the intent.</p> <p>4 Q. Okay. Good. That's what I just</p> <p>5 wanted to clarify.</p> <p>6 At the time Ms. Guzman was terminated,</p> <p>7 the intent of the editors was to transition it to</p> <p>8 three times a year --</p> <p>9 MR. PIESCO: Objection.</p> <p>10 Q. -- correct?</p> <p>11 MR. PIESCO: Objection.</p> <p>12 Don't guess. If you know, you know.</p> <p>13 And just to clarify, when you say,</p> <p>14 "the time," I don't know what you mean by</p> <p>15 that.</p> <p>16 She said she was terminated at a</p> <p>17 different date than the committee notes that</p> <p>18 you were questioning her on, and I think it</p> <p>19 was Exhibit 20. That's the only --</p> <p>20 BY MR. CLARK:</p> <p>21 Q. On -- on -- put it this way: On the</p> <p>22 day that Ms. Guzman was terminated, was it the</p> <p>23 intention of the editors of the New York Post to</p> <p>24 transition Tempo to three times per year?</p> <p>25 MR. PIESCO: Objection.</p>